
REMARKS

Claims 1-21, 24-27 and 29 are rejected under 35 USC 102(b) as being anticipated by Wolfe (4,014,493). Claims 2-6 and 8-10 are rejected under 35 USC 103(a) over Wolfe in view of Padden (6,009,584).

In the above rejections, Figs. 12 and 13 of Wolfe are indicated as showing a housing (22, 41) having a periphery that includes a bottom wall. In fact, Fig. 12 shows an outline of a whale comprising a first housing 21 and a second housing 22. It is indicated in the Wolfe specification that except for the shape of the whale, the construction of the two housings are identical to that shown in Figs. 6-10.

Particularly with respect to Figs. 9 and 10, the first housing part 21 is shown comprising an open trough-like member having an open end and an open top. A slot 24 extends into an opposing closed end. A stapler is fitted into the open trough so that its open end corresponds with the housing slot 24, and its pivot end is adjacent the open end of the trough-like structure. The stapler is secured to the bottom of the first housing part via a locking stud 31 through opening 23. See Fig. 11.

In view of the fact that the above-described Wolfe disclosure shows two housing parts forming the alleged housing as claimed, it is unclear with respect to what the Examiner intends on being the claimed housing periphery. Note that the claimed recess extends into the periphery to form defined bottom and side openings.

Moreover, the Examiner has not indicated what comprises the claimed periphery bottom wall or the claimed first side wall, into which extends the recess. In fact, there is no recess as claimed in Wolfe. If the Examiner is indicating that slot 24 of housing first part 21 is a recess, then it is clear that fitting a stapler in such recess would be impossible.

In particular, there is no recess of any kind extending into the bottom wall of first housing part 21. The bottom wall is entirely closed, and the bottom of the stapler that fits within the open trough-like housing 21, therefore, cannot form any part of the bottom wall.

Fig. 13 displays the assembly of Fig. 1, plus an additional outer housing 41. With three housing parts forming a stapler enclosure, what does the Examiner use to define a periphery?

As shown in Fig. 13, it is particularly notable that there is no opening in the bottom walls of either the outer housing 41 nor the first housing part 1. In fact, the stapler base actually rests upon two bottom walls which are not recessed or have an opening. It is clear that significant imagination and hindsight is being used by the Examiner to somehow construe that a two-layered solid bottom anticipates Applicant's claims.

Each of independent Claims 1, 21 and 27 call for a recess that creates openings in a bottom wall and a side wall of the periphery of a housing with a stapler base filling-in the bottom wall opening. Plainly, the multi-part housings of Wolfe are remote from the amended claims, and have no description that would lead one skilled in the art to the housing now being claimed by Applicant. Thus, it is most respectfully requested that the Examiner reconsider the subject Office Action, and issue Applicant an early Notice of Allowance.

It is believed that independent claims 1, 21 and 27 are allowed, whereby the remaining claims being dependent therefrom will likewise be allowable. Thus, no further discussion of those claims is deemed necessary.

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Thanh K. Truong, Patent Examiner
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Title: MULTI-PURPOSE OFFICE TOOL

Applicant's previous remarks with respect to the Chiou, Orozco, Ng and Padden patents are incorporated herein by reference.

Respectfully submitted,



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